REMARKS/ARGUMENTS

Reconsideration of this application in view of the following remarks is respectfully requested.

Claims 1-9 remain in this application.

The rejection of claims 1 through 9 as unpatentable over Salisbury et al. 5,163,768 in view of Youngs et al. 6,099,187 and Julius 5,667,092 under 35 USC 103(a) is respectfully traversed.

In the outstanding Action the issue has been narrowed down to one point. That one point involves the recited snap fit, and will be addressed at length in this response. It was held in the outstanding Action as follows:

> "Salisbury modified by Youngs does not disclose the post and socket form a snap fit wherein said post and socket members are adapted to forming airtight seals with one another when interchanged."

Julius was then cited for the proposition that:

> "The substitution of one known element (snap fit fastening mechanism using annular rings) for another (snap fit mechanism of uniform geometry) would have been obvious to one of ordinary skill in the art at the time of the invention since the substitution of the fastening mechanism geometry as taught Julius would have yielded predictable results, namely a secure cylindrical mating of uniform geometry to prevent any interference of external elements."

Julius does not support the proposition for which it is cited. The above holding assumes that Julius discloses straight-walled mating parts that join in a snap fit. This is not the teaching of this reference. Julius does not disclose that straight-walled mating parts join in a snap fit. The disclosed snap fits always involve some mating parts with lips or other protuberances that engage with a snap. The snap is due to the resilience of the

materials of construction, not the result of straight walled cylindrical surfaces adapted to interengage as defined in the present claims.

Julius (Col. 4, Lns. 21-37) appears to propose that interface 12 occurs between inside surface 9 of lid 2 and outside wall 10 of peripheral flange 4. Interface 12 is said to be an airtight fit. It is also stated that, "Interface 12 can be either a friction fit or a snap fit or a combination thereof." Julius discloses a friction fit between elements 9 and 10, and a snap fit between elements 26 and 27. In Figs. 1 and 3, it is shown, and in Col. 5, Lns. 8-10, it is stated as follows:

> "Lid tray 3 can also have a latch 26 that fits into a notch 27 of peripheral flange 4. Latch 26 can be engaged with or disengaged from notch 27 as desired."

Latch 26 and notch 27 appear most clearly in Figs. 1 and 3. It is shown in Fig. 3 that latch 26 drops into notch 27 when lid tray 3 is fully closed. This would produce a snap because latch 26 must flex resiliently outwardly as it slides down over outside wall 10, and then snap as it drops into notch 27. This snap is generally referred to in the above quote from Col. 4, Lns. 37-38 (combination of friction and snap fit), but without specifically identifying elements 26 and 27. Julius specifically describes this type of latch as producing a snap fit with reference to Figs. 11 and 11a. At Col. 5, Lns. 58-61, a snap fit between element 43 and 19 is described as follows:

> "The peripheral flange 4 also has a flexible lip 43 on one remaining side 44. Lip 43 corresponds to and is adapted to snap-fit around end 45 of rim 19 to hold the peripheral flange 4 against rim 19 after flange 4 slides onto rim 19."

Further examples of what Julius means by "snap fit" appear in Figs. 9, 10, 10a, 15, and 15d, and the associated description in Cols. 5 and 6. In Fig. 9 a bulb shaped protusion 37 is "...adapted to snap-fit into congruent openings 39..." (Col. 5, Lns. 43-44). In Figs. 10-10a, "...a molded hook or lip 41 that is adapted to snap-fit over rim 19..." (Col.

5, Ln. 50). In Figs. 15 and 15d a snap fit is illustrated and described as follows: "...clips 54 that correspond to and are adapted to snap fit over rim 19..." (Col. 6, Lns. 23-24).

Nowhere does Julius teach or suggest that a friction fit produces a snap fit. These are clearly disclosed as two different things.

The physics of Juliu's friction fit interface 12 is such that a snap could not be expected to occur at joining. The lid 2 pivots relative to peripheral flange 4. The space between mating surfaces 9 and 10 is open on both sides as the surfaces come to rest in contact with one another. There is no structure that provides for the sliding of one against another in a closed chamber situation where air pressure could build up between them to produce a snap. The present independent claims (claims 1 and 6) recite, among other things, "...said socket members being closed except for an opening at the top..." There is no such structure disclosed or even remotely suggested in the references of record.

The significance and construction of a "snap fit" are taught at length in the present specification. See particularly p. 8, Ln. 24 through p. 10, Ln. 13, p. 11, Lns. 12-15, and p. 12, Lns. 2-3.

The "snap fit" is not provided for an idle purpose. If a "snap fit" is not achieved, the spine will not hold together, and the user is alerted to this fact by the absence of an audible snap. Where the purpose of the spine is to securely hold papers, the "snap fit" is fundamental to the purpose of the invention.

A spine that will exhibit a "snap fit" when opened or closed is not achieved by every combination of a cylindrical closed socket in frictional engagement with a cylindrical plug. The audible snap indicates something about the structure, namely, that the structure is

such that a secure join may be achieved. It is a property or characteristic of the structure.

The proposed combination does not contain within it any teaching of the claimed invention.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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